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**From:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]  
**Sent:** 10/7/2019 3:28:21 PM  
**To:** Levine, MaryEllen [levine.maryellen@epa.gov]; Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**CC:** Wade, Alexis [Wade.Alexis@epa.gov]; Zobrist, Marcus [Zobrist.Marcus@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]; Goodin, John [Goodin.John@epa.gov]  
**Subject:** RE: Cooling Water Intake Rule - ESA - CORRECTED

I just spoke with dave and got clarification of his needs and will send note soon

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

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**From:** Levine, MaryEllen <levine.maryellen@epa.gov>  
**Sent:** Monday, October 7, 2019 10:17 AM  
**To:** Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wade, Alexis <Wade.Alexis@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: Cooling Water Intake Rule - ESA - CORRECTED

Good morning,

I don't think that there is anything the OW front office needs from you at this point. I was sharing the

## Ex. 5 Deliberative Process (DP)

I think page 64 of the Bi Op and my response gives them what they need.

- *Mary Ellen*

Mary Ellen Levine  
Assistant General Counsel  
Water Law Office, Office of General Counsel  
7510 C WJC North  
(202) 564-1345

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**From:** Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>  
**Sent:** Monday, October 07, 2019 10:01 AM  
**To:** Levine, MaryEllen <levine.maryellen@epa.gov>  
**Subject:** FW: Cooling Water Intake Rule - ESA - CORRECTED

Good Morning Mary Ellen:

We have not formally met although we have been in meetings.  
I'm the new associate division director in WPD.  
I see that you have already responded.

Is there anything you need from us?

Please let me know.

Thanks

Maria A. Lopez Carbo  
Associate Division Director  
Water Permits Division  
Office of Wastewater Management  
202.564.4618

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**From:** Sawyers, Andrew <[Sawyers.Andrew@epa.gov](mailto:Sawyers.Andrew@epa.gov)>

**Sent:** Monday, October 7, 2019 9:55 AM

**To:** Zobrist, Marcus <[Zobrist.Marcus@epa.gov](mailto:Zobrist.Marcus@epa.gov)>; Gutierrez, Sally <[Gutierrez.Sally@epa.gov](mailto:Gutierrez.Sally@epa.gov)>; Lopez-Carbo, Maria <[Lopez-Carbo.Maria@epa.gov](mailto:Lopez-Carbo.Maria@epa.gov)>; Shimkin, Martha <[Shimkin.Martha@epa.gov](mailto:Shimkin.Martha@epa.gov)>

**Cc:** Sylvester, Francis <[Sylvester.Francis@epa.gov](mailto:Sylvester.Francis@epa.gov)>; Farris, Erika D. <[Farris.Erika@epa.gov](mailto:Farris.Erika@epa.gov)>

**Subject:** Fwd: Cooling Water Intake Rule - ESA - CORRECTED

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Levine, MaryEllen" <>

**To:** "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>, "Ross, David P" <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>, "Fotouhi, David" <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>, "Sawyers, Andrew" <[Sawyers.Andrew@epa.gov](mailto:Sawyers.Andrew@epa.gov)>, "Goodin, John" <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>, "Wood, Robert" <[Wood.Robert@epa.gov](mailto:Wood.Robert@epa.gov)>, "Scozzafava, MichaelE" <[Scozzafava.MichaelE@epa.gov](mailto:Scozzafava.MichaelE@epa.gov)>

**Cc:** "Leopold, Matt (OGC)" <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>, "Forsgren, Lee" <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>, "Aguirre, Janita" <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>, "Wildeman, Anna" <[wildeman.anna@epa.gov](mailto:wildeman.anna@epa.gov)>, "Wade, Alexis" <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** RE: Cooling Water Intake Rule - ESA - CORRECTED

# Ex. 5 Attorney Client (AC)

- Mary Ellen

Mary Ellen Levine

Assistant General Counsel  
Water Law Office, Office of General Counsel  
7510 C WJC North  
(202) 564-1345

-----Original Message-----

From: Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
Sent: Monday, October 07, 2019 8:48 AM  
To: Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Sawyers, Andrew <[Sawyers.Andrew@epa.gov](mailto:Sawyers.Andrew@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
Cc: Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>; Wildeman, Anna <[wildeman.anna@epa.gov](mailto:wildeman.anna@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Levine, MaryEllen <[levine.maryellen@epa.gov](mailto:levine.maryellen@epa.gov)>  
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

I hit send of note below before I was done. Fixed the message below and added Alexis and Mary Ellen

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

-----Original Message-----

From: Neugeboren, Steven  
Sent: Monday, October 7, 2019 8:47 AM  
To: Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Sawyers, Andrew <[Sawyers.Andrew@epa.gov](mailto:Sawyers.Andrew@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
Cc: Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>; Wildeman, Anna <[wildeman.anna@epa.gov](mailto:wildeman.anna@epa.gov)>  
Subject: RE: Cooling Water Intake Rule - ESA

I think the lead for this would either be OST (who conducted the consultation and promulgated the rule) or OWM (who is implementing the rule), but your staffs can reach out to Alexis for support, as she is very familiar with the record.

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

-----Original Message-----

From: Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>  
Sent: Monday, October 7, 2019 8:39 AM  
To: Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Sawyers, Andrew <[Sawyers.Andrew@epa.gov](mailto:Sawyers.Andrew@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
Cc: Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>; Wildeman, Anna <[wildeman.anna@epa.gov](mailto:wildeman.anna@epa.gov)>  
Subject: Re: Cooling Water Intake Rule - ESA

Adding Steve.

Sent from my iPad

On Oct 7, 2019, at 8:38 AM, Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)> wrote:

Confidential; Deliberative

I'm currently evaluating a 404(g) state assumption proposal from Florida and Arizona and how to address ESA issues in state-assumed permitting. The proposal mentions the ESA process for the cooling water intake rule as a potential model. Could someone pull together the ESA-based components of that rulemaking for me, such as targeted discussion in the preamble, RTC, Bi-Op, etc. I'm not sure if this is an OGC or OWM assignment, so please work together to figure out the most efficient way to get a packet together.

Thanks!

Dave

Sent from my iPad